

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**PRESTON BLANTON,  
#42100-177,**

Plaintiff,

v.

**UNITED STATES OF AMERICA,  
DEBRA MICHAELS, and FEDERAL  
BUREAU OF INVESTIGATION,**

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. **3:13-CV-774-L**

**ORDER**

Before the court is Plaintiff Preston Blanton's ("Plaintiff") *pro se* Amended Complaint, filed February 27, 2014.\* This case was referred to Magistrate Judge Irma C. Ramirez for pretrial management on June 13, 2013. The magistrate judge entered Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") on March 7, 2014, recommending that Plaintiff's claims against the United States and the Federal Bureau of Investigation ("FBI") be dismissed with prejudice as frivolous and that Plaintiff's claims against Special Agent Debra Michaels proceed. No objections were filed.

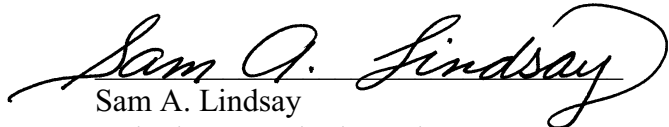
Plaintiff's Amended Complaint is a *Bivens* action. As the magistrate judge explained, *Bivens* only provides a remedy for victims of constitutional violations by government officers *in their individual capacities*. *Bivens* actions cannot be brought against the United States or against a federal agency such as the FBI. Therefore, Plaintiff's claims against the United States and the FBI must be dismissed with prejudice.

---

\* Plaintiff is also proceeding *in forma pauperis*.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court **determines** that the findings and conclusions are correct and **accepts** them as those of the court. Accordingly, the court **dismisses with prejudice** Plaintiff's claims against the United States and the FBI. Plaintiff's claim against Special Agent Debra Michaels will proceed.

**It is so ordered** this 12th day of June, 2014.

  
Sam A. Lindsay  
United States District Judge